S.B. Civil Writ Petition NO.4473/2004
Smt. Jassu Kanwar & Ors.
Vs
State of Rajasthan & Ors.

DATE OF ORDER : - 3.5.3005

HON'BLE MR. PRAKASH TATIA,J.

Mr.JL Purohit, for the petitioner.

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Heard learned counsel for the petitioners.

The petitioners by this writ petition want to challenge the finding of fact recorded by the two courts below on the ground that the said finding of fact was not re-considered by the Board of Revenue in Second Appeal. It appears from the judgments of the trial court and from the appellate court that both the courts below have considered all the facts of the case and, thereafter, decided the suit and the appeal vide judgments dated 30.11.2000 and 19.2.2002. The second appellate court, the Board of Revenue, rightly did not consider the question of fact again and the Board of Revenue on finding that no substantial questions of law has been raised, dismissed the second appeal. Therefore, I do not find that now this Court can reassess all the evidence to find out who was in possession of the land in dispute despite the fact that the documents were executed and the facts mentioned in the documents are sought to be challenged by the petitioners on the

strength of the oral evidence to contradict the entires made in the revenue record.

In view of the above, I do not find any merit in this writ petition and the same is hereby dismissed.

(Prakash Tatia), J.

c.p.goyal/-